

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 10-154(2) (DSD/FLN)

United States of America,

Plaintiff,

v.

ORDER

Genevieve Marie McCullough,

Defendant.

This matter is before the court upon the motion by defendant Genevieve Marie McCullough for the early termination of her supervised release. Based on a review of the file, record and proceedings herein, and for the following reasons, the motion is denied.

On September 2, 2010, McCullough pleaded guilty to conspiracy to commit mortgage fraud through the use of an interstate carrier and interstate wires, in violation of 18 U.S.C. § 371. On November 11, 2011, McCullough was sentenced to probation for a term of three years. See ECF No. 35. On February 2, 2012, McCullough was found in violation of a special condition of probation, which required her to reside for a period of 180 days in a residential re-entry center. In response, the court sentenced McCullough to a term of three months imprisonment, followed by a term of supervised release of three years. See ECF No. 46. On July 11, 2012, McCullough filed a motion requesting the early termination of her supervised release.

A district court, after considering factors set forth in 18 U.S.C. § 3553(a), "may modify, reduce, or enlarge the conditions of supervised release, at any time prior to the expiration or termination of the term of supervised release." 18 U.S.C. § 3583(e)(2); see United States v. Davies, 380 F.3d 329, 332 (8th Cir. 2004). After considering these factors, the court is unpersuaded that early termination of McCullough's term of supervised release is warranted. McCullough requests early termination of her supervised release primarily so she may return to Nevada where her family resides. As the government correctly notes, however, McCullough and her family, while her case was pending in the District of Minnesota, chose to move to Nevada. Therefore, any hardship is self-inflicted, and early termination of McCullough's supervised release is unwarranted.

Accordingly, based on the above, **IT IS HEREBY ORDERED** that defendant's motion [ECF No. 49] is denied.

Dated: July 30, 2012

s/David S. Doty
David S. Doty, Judge
United States District Court